

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1353**

**Introduced by Assembly Member Matthews  
(Coauthor: Assembly Member Wiggins)**

February 21, 2003

---

An act to add Section 13269.1 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1353, as amended, Matthews. Waste discharge requirements: exemption.

(1) Existing law, the Porter-Cologne Water Quality Control Act, with certain exceptions, imposes on a person for whom waste discharge requirements have been prescribed, an annual fee established by the State Water Resources Control Board, not to exceed \$20,000, but subject to an annual adjustment, on the basis of total flow, volume, number of animals, threat to water quality, and area involved. Under the act, the fees are deposited in the Waste Discharge Permit Fund, which is expended, upon appropriation, for the purposes of carrying out the act. The act authorizes a California regional water quality board to grant waivers as to a specific discharge or a specific type of discharge if the waiver is not against the public interest. The act requires all or part of the fees to be refunded if waste discharge requirements are waived.

This bill would provide that a person ~~discharging waste~~ *who stores liquid wastewater in a holding tank and periodically transports the liquid wastewater to an authorized disposal facility* is not subject to waste discharge requirements and is ~~only~~ subject to the one-time payment of a fee ~~in the amount~~ of \$50, if the appropriate regional board,

~~subject to periodic inspections, determines that the discharge will not adversely affect, or potentially adversely affect, the quality of the waters of the state have a significant impact on the environment.~~ The bill would require any person who seeks the benefit of this provision to ~~submit~~ *make available* to the regional board a written certification, prepared under penalty of perjury, stating that person's discharges will not adversely affect, or potentially adversely affect, the quality of the waters of the state, *and make available other documentation and receipts.* Because the bill would require the certification to be prepared under penalty of perjury, it would impose a state-mandated local program by expanding the class of persons subject to the crime of perjury.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13269.1 is added to the Water Code, to  
 2 read:  
 3 13269.1. (a) A person ~~discharging waste who stores liquid~~  
 4 ~~wastewater in a holding tank and periodically transports the liquid~~  
 5 ~~wastewater to an authorized disposal facility~~ is not subject to  
 6 waste discharge requirements, including, but not limited to,  
 7 monitoring, sampling, and analyses requirements, and is ~~only~~  
 8 subject to the one-time payment of a fee ~~in the amount~~ of fifty  
 9 dollars (\$50) to the appropriate regional board, if that regional  
 10 ~~board determines, subject to periodic inspections, that the~~  
 11 ~~discharge will not adversely affect, or have the potential to~~  
 12 ~~adversely affect, the quality of the waters of the state. board~~  
 13 ~~determines that the project will not have a significant impact on the~~  
 14 ~~environment.~~  
 15 (b) Any person who seeks the benefit of this section shall  
 16 ~~submit~~ *make available* to the appropriate regional board a written  
 17 certification, prepared under penalty of perjury, stating that that

1 person's discharges will not adversely affect, or have the potential  
2 to adversely affect, the quality of the waters of the state. ~~Each~~  
3 ~~certification prepared pursuant to this subdivision shall be revised~~  
4 ~~and resubmitted to the appropriate regional board if the person~~  
5 ~~determines that the nature of the discharge has changed in a~~  
6 ~~manner that affects the validity of the certification, and shall~~  
7 ~~make available documentation and receipts showing the amount~~  
8 ~~of discharge hauled to a licensed public treatment facility.~~

9 SEC. 2. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.

18 \_\_\_\_\_  
19 CORRECTIONS

20 **Text — Page 2.**  
21 \_\_\_\_\_  
22

